

**CITY COUNCIL  
CITY OF SONORA  
DECEMBER 4, 2017**

A Regular Meeting of the City Council of the City of Sonora was held this date in the Council Chambers at City Hall, 94 North Washington Street, at 5:00 p.m. The following members were present: Mayor Connie Williams, Mayor Pro-Tem Jim Garaventa, Councilmembers Matt Hawkins, Mark Plummer, George Segarini; City Administrator Tim Miller, City Clerk Marijane Cassinetta, City Attorney Douglas White, Fire Chief Aimee New, Acting Police Chief Turu VanderWiel and Community Development Director Rachelle Kellogg. Absent: Interim City Engineer Gerard Fuccillo.

Mayor Williams announced that there was no Closed Session Meeting this date.

**CITY CLERK'S REPORT ON POSTING OF AGENDA**

City Clerk Cassinetta advised Council that at 12:10 p.m. on the 1st day of December, 2017, the Agenda for the City of Sonora Council Meeting scheduled for this date was posted outside City Hall for public view.

**APPROVAL OF THE AGENDA**

No changes.

**PRESENTATIONS**

**Police Chief VanderWiel** introduced and swore in Part-Time Relief Dispatcher/Records Specialist Patricia Roe. Roe was welcomed by the Council.

**Police Chief VanderWiel** introduced and swore in Police Officer Ashely Brandow. Roe was welcomed by the Council.

**PUBLIC COMMENT (Non-Agenda)**

None

**CONSENT CALENDAR**

**MOTION** by Councilmember Hawkins, second by Mayor Pro-Tem Garaventa, that the Consent Calendar be approved as follows:

- 1. Approval of the Council Minutes for the Special Council Meeting of October 30, 2017, and for the Regular Session Meeting of November 20, 2017;**
- 2. Approval to pay invoices for previously budgeted expenses on December 5, 2017, in the amount of \$89,097.77; and**
- 3. Approval of disbursements in the amount of \$130,064.54 on November 22, 2017, for payroll, inclusive of employee salaries,**

**employer and employee taxes and retirement contributions, and miscellaneous voluntary employee deductions.** There was no public comment, and the **Motion passed unanimously.**

#### **UNFINISHED BUSINESS**

**Ordinance No. 842 Regarding Cannabis Regulations.** The Council considered waiving the second reading and adopting Ordinance No, 842 which amends Chapter 8.35, Medical Marijuana Dispensaries, of, and to add Chapter 8.36, Cannabis Business Regulation, to, the Sonora Municipal Code, relating to Cannabis. Administrator Miller recommended approval. Attorney White reviewed that the Ordinance bans all commercial activity which applies to all delivery distribution on a commercial level in the City, including delivery prohibition for businesses outside the City unless by a lawfully recognized primary caregiver who meets the criteria pursuant to legal definition.

The Mayor asked for any public comment. Elena Linehan commented that it was difficult to hear the City Administrator, and asked that he please speak into his microphone. Jeff Musio commented on his understanding of how delivery from outside dispensaries operates, and said that the ban will make it very difficult for those medical users who really need it. A member of the public asked to hear from Jeremy in the audience as to delivery regulations; she stated her concern that medical users will be deprived of their need; and stated her opposition to adopting the Ordinance tonight. Jeremy who has a business license in Calaveras County stated that it was his understanding that he cannot stop his current deliveries. Attorney White reiterated that outside dispensaries cannot legally come into Sonora, and also noted that this Ordinance is the foundation, and then we go from here in a process with Ordinances that will come to the Council for consideration setting specifics; the current ban could be in effect for two to four months as the required process continues, which ban will ensure that the regulation of cannabis remains within local control of the City while adhering to the requirements of State law.

There was no further public comment. **MOTION by Councilmember Segarini, second by Councilmember Plummer, and unanimously carried that the second reading of Ordinance No. 842 be waived, and the Ordinance be adopted.**

**Resolution No 12-04-2017-A Regarding Grant of Easement at 198 Green Street.** Mayor Williams recused herself, and Mayor Pro-Tem Garaventa assumed the Chair at 5:45 p.m. The Council considered adopting Resolution No. 12-04-2017-A which accepts the Easement Deed granting the City an Easement upon that

certain real property at 198 South Green Street, AP #002-152-006, and authorizes the City Administrator to take all reasonable and necessary actions to complete the acquisition of the Easement and record the same with the Tuolumne County Recorder. Recommending approval, Administrator Miller reviewed background information noting that at the last Meeting the Council directed the City Attorney to work with the developer of the subject property, 55 Properties, LLC, to prepare a hold harmless agreement and access for the manhole on the property site.

Councilmember Plummer asked if the Declaration of Covenants, Conditions and Restrictions (CC&Rs) is on the Agenda for action tonight, and that language be added to include that the area over the manhole be constructed of materials and in a way that is easily removable. Administrator Miller responded that consideration of the Declaration of CC&R's is not on the Agenda tonight, but that as described on the CC&Rs, it is easily removable.

Mayor Pro-Tem Garaventa noted a correction that needed to be made on Exhibit "A" to the Easement; the second paragraph references, ". . . the most westerly door . . .", which should be, "the most easterly door". He also asked for clarification of the last sentence in Section 1(d) on Page 3, stating that, "the City will restore Declarant property and improvements to a like condition"; does that provide for both the restoration of what is removed to obtain access, and any damage that may occur? Administrator Miller responded that it would need to be restored to its original condition which would require restoration of both issues.

Mayor Pro-Tem Garaventa asked for public comment. Rubin Churnside of Land and Structure which is providing the engineering and design services for 55 Properties, LLC, briefly commented on background information and Council and developer discussions at past Meetings, reporting that the developer will construct something that will provide for workable access, and he requested that the Council move forward in its approval. There was no further public comment.

**MOTION by Councilmember Segarini, second by Councilmember Hawkins, and unanimously carried that said Resolution be approved and adopted as presented.**

Garaventa stepped down, and Mayor Williams returned to Chambers and assumed the Chair at 5:52 p.m.

#### **PUBLIC HEARINGS**

**Ordinance No. 843 Regarding Home Occupations.** This was the time and place set for a Public Hearing to consider introduction and waiving the first reading of Ordinance No. 843 which amends Section 17.59.020 of the Sonora Municipal Code, Criteria and Conditions, for a Home Occupation, and Section 17.59.030, Application - Filing, to Revise Application Information, Fee and Eliminate Posting Requirements; and Amending Section 17.59.050, Appeals, to Clarify the Appeal Process. Recommending approval and noting that this is part of an ongoing clean-up process, Community Development Director Kellogg presented the Ordinance and its provisions, reporting unanimous Planning Commission approval.

The Mayor opened the Public Hearing at 6:00 p.m. There being no appearances, the Public Hearing was closed at 6:01 p.m. Councilmember Segarini thanked Staff for its process in updating Ordinances for simplification and ease of understanding which encourages new business.

**MOTION by Mayor Pro-Tem Garaventa, second by Councilmember Hawkins and unanimously carried that the Ordinance No. 843 be introduced by title and the first reading waived.**

**Ordinance No. 844, Non-Conforming Uses - Use Permit Procedure; Amendments to Sonora Municipal Code.** This was the time and place set for a Public Hearing to consider introduction by title and waiving the first reading of Ordinance No. 844 titled Nonconforming Uses - Use Permit Procedure: Deleting Section 17.58.010, Applicability; and Adding Section 17.58.010 Purpose, to Define the Purpose of the Chapter; and Amending Section 17.58.030, Reconstructing, Restoring, and Moving Prohibited - Exceptions, to Provide a Process to Restore Residential Use Through a Use Permit; and Amending Section 17.62.030, Application - Notice of Hearing, to Revise Notification Requirements; and Amending Section 17.62.040, Hearing - Decision by Commission, to Establish Hearing Time and Delete Denial Provision; and Amending Section 17.62.080, Effective Date, to Modify Effective Date for Permit; and Amending Section 17.62.100, Appeal to Council, to Revise Notification Requirements; and Section 17.62.110, Revocation or Modification, to Allow Modification Request; and Adding Section 17.62.111, Revocation, Voluntary, to Provide for a Voluntary Revocation Process; and Adding Section 17.62.112, Minor Modifications, to Allow the Community Development Director to Approve Minor Modifications.

Recommending approval and reporting the Planning Commission's recommendation for approval, Community Development Director

Kellogg reviewed the provisions of the Ordinance, and commented that this is part of an ongoing clean-up process.

The Mayor opened the Public Hearing at 6:09 p.m. There being no appearances, the Public Hearing was closed at 6:10 p.m.

**MOTION by Councilmember Hawkins, second by Councilmember Plummer, and unanimously carried that Ordinance No. 844 be introduced by title with the first reading waived.**

**Ordinance No. 845, Wireless Telecommunication Facilities; Amendments to Sonora Municipal Code.** This was the time and place set for a Public Hearing to consider introduction by title and waiving the first reading of Ordinance No. 845, Wireless Telecommunication Facilities: Deleting Chapter 17.50 Poles, Chimneys, Towers and Utility Lines; Adding Chapter 17.50 Wireless Telecommunication Facilities, to Establish the Regulations for Wireless Telecommunication Facilities; adding Section 17.04.355, Wireless Telecommunication Facilities, to Define These Facilities; and Amending Section 17.60.030, Uses Permitted in Any Zone with a Conditional Use Permit, to Allow Wireless Telecommunication Facilities Within Any Zoning District Subject to Regulations under Chapter 17.50; and Amending Section 17.60.030, Uses Permitted in Any Zone with a Conditional Use Permit, to Allow a Building or Structure to Exceed Thirty-Five Feet Subject to Specific Findings; and Amending Section 17.40.40, Uses Permitted in Specific Zones to Address Minor Clean-up Language.

Recommending approval and reporting the Planning Commission's recommendation for approval, Community Development Director Kellogg reviewed the provisions of the Ordinance, and commented that this is part of an ongoing clean-up process.

The Mayor opened the Public Hearing at 6:20 p.m. A member of the public asked if safety concerns were addressed in the Ordinance. Kellogg responded that in regard to construction safety, licensing requirements address that, but as to public health safety issues, she responded, no. Mayor Pro-Tem Garaventa referred to the provision in the Ordinance that requires compliance with all FCC regulations which includes such issues. Jeff Musio commented that the Council should possibly consider the danger in public locations like schools. Garaventa responded that school grounds are not subject to the City's jurisdiction. There being no further appearances, the Public Hearing was closed at 6:23 p.m.

**MOTION by Mayor Pro-Tem Garaventa, second by Councilmember Hawkins, and unanimously carried that Ordinance No. 845 be introduced by title with the first reading waived.**

**Ordinance No. 846, Site Plan; Amendments to Sonora Municipal Code.** This was the time and place set for a Public Hearing to consider introduction by title and waiving the first reading of Ordinance No. 846, Site Plan, Amending Section 17.52.010, Applicability, to Include the Purpose of the Chapter and Expand Projects Subject to Site Plan Review; and, Section 17.52.020, Exemptions to Revise Exemptions to Site Plan Requirements; and Adding Section 17.52.035, Underground Utilities, Establishing the Requirements for the Undergrounding of Utilities.

Recommending approval and reporting the Planning Commission's recommendation for approval, Community Development Director Kellogg reviewed the provisions of the Ordinance, and commented that this is part of an ongoing clean-up process. Kellogg reported that the Ordinance provisions will increase the Staff's oversight on commercial, multi-family and industrial development, and except for accessory buildings 120 square feet or less, will require Site Plan approval; she feels the additional oversight is important. Kellogg commented that engineering costs will increase for applicants, but will most likely not result in a large increase because it is small businesses that will be affected.

The Mayor opened the Public Hearing at 6:31 p.m. Elena Linehan asked clarification as to the definition of a CG Zone. Kellogg responded that it is General Commercial. There were no further appearances, and the Public Hearing was closed at 6:32 p.m.

**MOTION by Councilmember Hawkins, second by Councilmember Plummer, and unanimously carried that Ordinance No. 846 be introduced by title with the first reading waived.**

#### **NEW BUSINESS**

**Vision Sonora Committee Appointment.** Administrator Miller reported that Councilmember Segarini would like to resign from the Vision Sonora Committee, and Mayor Williams is recommending that Councilmember Plummer be appointed to fill the position, and is requesting Council confirmation. There was no public comment. **MOTION by Mayor Pro-Tem Garaventa, second by Councilmember Hawkins, and unanimously carried that the Mayor's appointment of Councilmember Plummer to replace Councilmember Segarini on the Vision Sonora Committee be confirmed.**

**MONTHLY REPORTS**

None. No public comment.

**VISION SONORA COMMITTEE REPORT**

None. The next Meeting is scheduled for December 14, 2017, at 9:00 a.m. in Council Chambers. No public comment.

**COMMUNICATIONS**

None - No public comment.

**COUNCILMEMBER/DEPARTMENT HEAD REPORTS**

**Community Development Director Kellogg** reported that the first phase of the Dragoon Creek Gulch Trail extension is under construction, and should be open to the public the first part of February, 2018. **Administrator Miller** reported that the signal at the Greenley/Mono Intersection has been retimed, and he would appreciate feedback on its operation for fine tuning. Miller also reported in regard to the Street Light Conversion Program with PG&E, two lights have been installed for which he is soliciting feedback. The light at Dodge and Green Street is a 4000 Kelvin LED light which is a cooler white light, and the light on Green Street just before the third floor parking garage is a 3000 Kelvin LED light which is a warmer light. **Councilmember Hawkins** reported on a great Christmas Parade. **Councilmember Segarini** reported that he attended the Tuolumne County Chamber of Commerce Governmental Affairs Commission Meeting where there was discussion on Yosemite National Park raising its admission fees and concern that it will hurt tourism in the Park, in Sonora, and throughout the County. He requested that the matter be placed on a future Council Agenda for discussion. **Mayor Williams** asked that tobacco smoking and vaping in Sonora's Historical District be placed on a future Council Agenda for discussion. She also reported that Santa's Village in Coffill Park will open on Saturday, December 9, 2017, and she thanked the inmates at the Sierra Conservation Center who built the new Santa house.

**ADJOURN**

There being no further business to come before the Council at this time, the Regular Session Meeting was adjourned at 6:50 p.m. to the Regular Meeting on December 18, 2017, at 5:00 p.m. in the Council Chambers at City Hall.

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Marijane Cassinetto, City Clerk      Date